

CARLOS M. RAMIREZ
MAYOR

DNICA D. CUNNINGHAM
CHIEF ADMINISTRATIVE OFFICER

ESTRELLA ESCOBAR
EXECUTIVE ASSISTANT TO THE MAYOR

MARK THREADGILL
EXECUTIVE ASSISTANT TO THE MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL JOSEPH ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ELVIA G. HERNANDEZ
DISTRICT NO. 8

REGULAR COUNCIL MEETING COUNCIL CHAMBERS MAY 22, 2001 9:00 A.M.

The City Council met in regular session at the above place and date at approximately 9:52 A.M. Mayor Carlos M. Ramirez present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Presi Ortega, Jr., Luis G. Sariñana and Elvia G. Hernandez. Absent: Paul J. Escobar. (Representative Escobar entered the meeting at approximately 10:00 A.M). Meeting was called to order and the invocation was given by Pastor George Russell, Jesus Chapel, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, on behalf of the City, accept a donation from Hawthorn Inn and Suites for the use of their facility by the El Paso Police Department to hold a planning summit on June 16, 2001. The total value of the donation is \$260.00.

Captain Mike Gill, El Paso Police Department, publicly thanked and recognized the Hawthorn Inn and Suites for their generous donation to allow the Police Department to utilize their facilities.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

Representative Escobar was not present for the vote.

RESOLUTION

WHEREAS, Sun Metro will offer El Paso youth the Summer Freedom Fare Pass;

WHEREAS, The Mass Transit Department Board recognizes the importance of the Summer Freedom Fare Program; and

WHEREAS, The Mass Transit Department Board supports public transportation and encourages all youth to participate in the Summer Freedom Fare/Summer Survivor Tour Program.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EL PASO, TEXAS:

THAT the Mayor be authorized to accept, on behalf of the City of El Paso and the Mass Transit Department of the City of El Paso, for support and promotion of the Summer Freedom Fare/Summer Survivor Tour Program a donation from Pat Goff's Appliance and TV Warehouse of a 19 inch color television set valued at ONE HUNDRED SEVENTY NINE DOLLARS AND 00/100 (\$179.00); a donation from the Border Institute of Technology of a Lap Top computer valued at ONE THOUSAND NINE HUNDRED DOLLARS AND 00/100 (\$1900.00); and a donation from Little Caesar's Pizza of printing costs for the Summer Survivor Tour pass valued at approximately THREE HUNDRED DOLLARS AND 00/100 (\$300.00).

Mayor Carlos M. Ramirez explained that this item was previously approved during the Mass Transit meeting.

Motion made by Representative Ortega, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

Representative Escobar was not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gift identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's office)

1. One (1) untitled etching by artist Donald Judd offered by the Adair Margo Gallery.

Mr. Bill Thompson, Museum Curator, thanked Ms. Adair Margo for this sketch which is the second etching by Mr. Judd she has given to the Museum this year. He thanked Ms. Margo for her support to the Museum and added that the piece will be shown in January in a special exhibition which will promote the City's acquisitions for the last five years.

Mayor Carlos M. Ramirez stated that Ms. Adair Margo has been an outstanding promoter of the Arts in this Community and he thanked her for all that she has done to promote the Arts.

Motion made by Representative Hernandez, seconded by Representative Ortega and unanimously carried to approve the above Resolution.

Representative Escobar entered the meeting during the discussion on this item.

Motion made by Representative Ortega, seconded by Representative Sariñana, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

Representative Escobar was not present for the vote.

*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of April 10, 2001.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a General Aviation Commercial Ground Lease by and between the CITY OF EL PASO and WJN CORPORATION effective May 1, 2001 to lease 30,000 square feet of land described as all of Lot 19 and the West ½ of Lot 20, Block 4, El Paso International Airport Tracts Unit 2, City of El Paso, El Paso County, Texas, known as 7305 Boeing Drive, El Paso, TX.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a five (5) year Lease Agreement between the CITY OF EL PASO and CENTRO DE SALUD FAMILIAR LA FE, INC. whereby the City is leasing the premises located at 1505 Mescalero to the Centro De Salud La Fe in exchange for services to be provided by said organization on the property.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the 1999 Empowerment Zone Planning and Implementation Grant No. EZ-99-TX-0013 allocating an additional \$7,306,200 for economic development activities consistent with the Strategic Plan.

Ms. Deborah Hamlyn, Director of Community & Human Development, explained the Resolution for Council Members. She stated that this amendment places under contract an additional \$7 million dollars which was made available under the FY2001 Community Renewal and Tax Relief Act of 2000 signed by President Clinton. She explained that with the \$3 million dollars received in 1999, the additional \$3.6 million dollars received in 2000 and the 2001 allocation of \$5 million dollars brings the total amount of funds available to the Zone as \$18,972,866.00. She explained that these funds must be allocated to economic development activities consistent with the Strategic Plan which was submitted to HUD.

Ms. Aida Gonzalez, Executive Director, Community Resource Council, updated Council Members as to the current status of the Community Development Department. She explained that the solicitation process is in place and the Department has received 34 applications for submittals of grants totaling \$10.7 million dollars and the Department will begin dispersing the monies during the later part of June.

Representative Hernandez explained that she moved this on regular Agenda for public knowledge. She added that the \$10.7 million will be allocated this year which means that projects are going out, jobs are being created and that the Empowerment Zone would provide a better quality of life for the people.

Ms. Gonzalez explained that the Community Resource Council (CRC) acts as the community resident representative to bring in business people, provide social service providers, educators, and families from the Community that would begin strategic planning regarding what the neighborhood should look like. She added that in the fall the Empowerment Zone will apply for funds to incorporate the CRC's into a more holistic neighborhood planning group.

Motion made by Representative Hernandez, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to Memorandum of Agreement by and between the City of El Paso and the El Paso Empowerment Zone Corporation to provide that FY 2001 and subsequent year grant funds shall only be used in conjunction with economic development activities consistent with the Implementation and Strategic Plans.

Please see above discussion.

Motion made by Representative Hernandez, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien in the amount of THIRTEEN THOUSAND AND NO/100THS DOLLARS (\$13,000.00 - grant) against the following described real property:

Lot 10, Block 4, SCENIC HEIGHTS, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof on file in Volume 55, Page 7, Real Property Records, El Paso County, Texas; also known and numbered as 7708 Pawnee Ct., El Paso, Texas 79912.

for consideration paid to the City in full satisfaction of that certain secured grant note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the grant in the amount of EIGHTEEN AND 84/100THS DOLLARS (\$18.84)

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Liens whereby the City releases its liens in the amounts of THIRTEEN THOUSAND TWO HUNDRED AND NO/100THS DOLLARS (\$13,200.00 - \$5,875 loan/\$7,325 grant) and NINE HUNDRED SEVENTY AND NO/100THS DOLLARS (\$970.00 - \$485 loan/\$485 grant) against the following described real property:

Lots 25 and 26, Block 5, GRANDVIEW ADDITION, an Addition to the City of El Paso, El Paso County, Texas; also known and numbered as 3010 Porter Avenue, El Paso, Texas 79930.

for consideration paid to the City in full satisfaction of those certain promissory notes executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a

refund check resulting from an overpayment on the loans in the amount of SEVENTY-FOUR AND 91/100THS DOLLARS (\$74.91).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TWELVE THOUSAND FIVE HUNDRED AND NO/100THS DOLLARS (\$12,500.00 - \$11,750 loan/\$750 grant) against the following described real property:

Lots 5 and 6, Block 20, LINCOLN PARK ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 10, Page 9, Plat Records of El Paso County, Texas; also known and numbered as 4509 Rosa Avenue, El Paso, Texas 79905.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan in the amount of FIVE AND 60/100THS DOLLARS (\$5.60).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
8116 Alameda Ave.	\$1,351.61	\$890.29	\$2,241.90

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
6009-6053 Alameda Ave.	\$372.57	\$206.45	\$579.02

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***RESOLUTION**

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 26th day of September, 2000, after due notice and hearing, ordered MARTIN SWEED, record Owner of the hereinafter described property secure and maintain the Building secure within thirty (30) days of adoption of the resolution of December 5, 2000, and

WHEREAS, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth:

1. That the City Council determines the actual cost of securing the structure and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

to be \$1,309.54, performed by the City of El Paso Street Department, \$634.98 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report, making a total of \$1,944.52. The City Council finds that the work was completed on the 30th March, 2001, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of ONE THOUSAND NINE HUNDRED FORTY-FOUR AND 52/XX DOLLAR (\$1,944.52) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above described property are made a part of this Resolution by reference.

WHEREAS, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolutions dated the 9th of January, 2001 and the 27th of February, 2001, after due notice and hearing, ordered Michael Torrez, record Owner of the hereinafter described property secure and maintain the Building secure within thirty (30) days of adoption of the resolution of January 9, 2001, and clean the premises of all weeds, trash and debris within thirty (30) days of the adoption of the resolution of January 9, 2001; and the owners having failed after due notice to comply with such ORDER, any mortgagees, lienholders and other persons having an interest in the property have an additional ten (10) days to demolish the structure and clean the premises of all weeds, trash and debris within thirty (30) days; and the mortgagees, lienholders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department proceed to secure the structure and clean the premises of all weeds, trash and debris.

REGULAR COUNCIL MEETING - MAY 22, 2001

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council determines the actual cost of securing the structure and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 9 and 10, Block 268, Campbell Addition, an addition to the City of El Paso, El Paso, County, Texas, according to the plat thereof, recorded in Volume 2, Page 68, Plat Records of El Paso County, Texas, more particularly described as 917 Ochoa Street,

to be \$1,996.00, performed by the City of El Paso Street Department, \$651.29 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report, making a total of \$2,647.29. The City Council finds that the work was completed on the 5th day of April, 2001, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TWO THOUSAND SIX HUNDRED FORTY-SEVEN AND 29/XX DOLLARS (\$2,647.29) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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***RESOLUTION**

WHEREAS, the Texas Narcotic Officers Association has provided valuable training to thousands of law enforcement officers throughout the State of Texas, including El Paso;

WHEREAS, the 2001 Texas Narcotic Officers Association annual conference will be held in El Paso from July 15-19, 2001;

WHEREAS, the presentation of conferences in El Paso such as this one, provides a good opportunity for the El Paso Police Department to work with and benefit from the training and assistance that the Texas Narcotic Officers Association offers;

WHEREAS, participation with the Texas Narcotic Officers Association and the high level of attendance that a local conference permits will result in more professional, better trained, and better prepared police officers;

WHEREAS, the Texas Narcotic Officers Association depends on local assistance with their efforts to fund and present the conference to ensure the success of the conference; and

WHEREAS, authorization for the Police Department to assist the Texas Narcotic Officers Association with the funding and presentation of their conference makes El Paso a focal point for quality law enforcement training and increases the reputation of the Police Department.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO TEXAS, that:

The Police Department is authorized to give assistance to the Texas Narcotic Officers Association in connection with the holding of the 2001 annual conference in El Paso. Such assistance includes planning

and administrative services by police personnel and lending the name of the Chief of Police to the fund-raising efforts of the Texas Narcotic Officers Association for the conference. Such assistance shall not be construed to be a co-sponsorship of the conference.

*RESOLUTION

That the Mayor be authorized to sign all required documentation and accept a grant award for the El Paso Police Department from the Office of the Governor, Criminal Justice Division, for grant funding in the amount of \$74,485.00 (Violence Against Women Act funds) to continue the Police Department's Domestic Abuse Response Team; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching or in-kind funds, and any documents to request and accept an extension of the award ending date for the grant. In the event of loss or misuse of Criminal Justice Division funds, the City of El Paso assures the CJD that funds will be returned in full. Matching funds required in the amount of \$53,239.00 and in-kind services match required in the amount of \$12,762.00.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, certain lands in El Paso County are assigned water rights under the Rio Grande Federal Reclamation Project and the owners thereof may assign said rights; and,

WHEREAS, the City of El Paso desires to acquire water rights for the benefits of the citizens of El Paso, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign, on behalf of the City, acceptance of Irrigation Water Assignment agreements numbers: 10057, 10064, 10065, 10111, 10113, 10115, 10116, 10121, 10124, 10125, 10126, 10127, 10128, 10129, 10130, 10131, 10132, 10133, 10134, 10135, 10136, 10137, 10138, 10139, 10140, 10141, 10142, 10143, 10144, 10145, 10146, 10147, 10148, 10149, 10150, 10151, 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162, 10163, 10164, 10165, 10167, 10178, and 10186 for irrigation water acres. in El Paso County, Texas.

Mayor Carlos M. Ramirez explained that by approving these acceptance of Irrigation Water Assignments the City would have more water to treat at the water treatment plants for distribution to the citizens.

Representative Medina asked if the contracts were with individual property owners. He questioned why these items were brought to Council at the last minute.

Mr. Robert Andron, Assistant City Attorney, stated yes the contracts were with individual property owners and explained that there is an exception to the contract in the Water Improvement District Agreement which states that the City can request the water rights from individual property owners where the parcels are two acres or less.

Mayor Carlos M. Ramirez explained that the deadline was set by the El Paso County Irrigation Water District No. 1.

Mr. Andron explained that these are form contracts which are reviewed by the attorneys at the Public Service Board before being submitted to the Legal Department.

Representative Cook asked Ms. Monica D. Cunningham, Chief Administrative Officer, if these were annual contracts.

Ms. Cunningham explained that these items are on the Agenda almost every week and that these items used to be approved by Mr. Archuleta, however, the Public Service Board suggested that the items should come to City Council for approval. She suggested that Mr. Archuleta prepare a more detailed Memorandum to Council which would explain the process that these items go through prior to coming to City Council.

Representative Medina asked if there was any compensation for these contractees.

Mayor Ramirez clarified that the City and the PSB are working with these transfers on a very timely basis and that the deadline was imposed by the Irrigation District.

Mr. Andron stated yes there is compensation for the contractees, however, he did not have the amounts.

Representative Sariñana explained that he had been approached by the Public Service Board regarding his water rights and explained to Representative Medina what procedures would be necessary to be considered a contractee.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

WHEREAS, certain lands in El Paso County are assigned water rights under the Rio Grande Federal Reclamation Project and the owners thereof may assign said rights; and,

WHEREAS, the City of El Paso desires to acquire water rights for the benefits of the citizens of El Paso, Texas; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign, on behalf of the City, acceptance of Irrigation Water Assignment agreements numbers: 10001, 10007, 10032, 10042, 10046, 10086, 10088, 10093, 10101, 10123, 10166, 10168, 10171, 10179, 10181, 10182, 10184, 10185, 10187, 10188, 10195, 10200, 10205, 10206, 10207, 10208, 10209, 10210, 10211, 10212, and 10213 for irrigation water acres, in El Paso County, Texas.

Please see above discussion.

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

7/02

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A DEVELOPER AGREEMENT BETWEEN THE CITY AND RUSSUN, L. P., A TEXAS LIMITED PARTNERSHIP FOR THE CONSTRUCTION OF A VEHICLE BRIDGE ACROSS THE CITY'S BLUFF CHANNEL IN ORDER TO PROVIDE ACCESS TO THE I-10 COMMERCIAL SUBDIVISION IN EAST EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, RUSSUN, L.P., hereafter the Developer, is proposing to construct at its sole cost and in accordance with a developer participation agreement, a vehicle bridge crossing over the City's Bluff Channel in order to provide access to the I-10 Commercial Subdivision; and,

WHEREAS, the proposed developer participation contract is expressly permitted by the Texas Local Government Code Section 212.071 and the City of El Paso Subdivision Code Section 19.28.030; and,

WHEREAS, the City Council finds it is in the public interest and serves a public purpose to enter into the Developer Agreement; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign, on behalf of the City, a Developer Agreement between the City and Russun, L. P. a Texas Limited Partnership for the construction of a vehicle bridge across the City's Bluff Channel in order to provide access to the I-10 Commercial Subdivision in East El Paso, El Paso County, Texas. The construction shall be in accordance with the agreement and at the sole cost of the developer.

Representative Medina asked for elaboration on this Resolution.

Mr. Robert Andron, Assistant City Attorney, presented Ms. Risher Gilbert, attorney on behalf of the applicant.

Attorney Risher Gilbert explained that the developer would be paying for the costs for the bridge which would cross the Bluff Channel and would put over 62 acres on the tax rolls. She stated that the Bluff Channel is south of I-10 near Escobar Drive.

Mayor Carlos M. Ramirez asked Mr. Daryl Cole, Deputy Director for Streets, to provide a specific description of where this property is located.

Mr. Cole stated that the Bluff Channel is south of I-10 and west of Loop 375. He explained that the Bluff Channel was a Corps of Engineering project built several years ago.

Representative Medina asked what the estimated cost of the bridge would be to the developer.

Ms. Gilbert stated that it would be approximately \$250,000.00 and that the developer is also providing a 10 year warranty on the bridge.

Representative Escobar explained that this property is landlocked with no access to I-10 and is a good deal for the City.

Motion made by Representative Escobar, seconded by Representative Ortega and unanimously carried to approve the above Resolution.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A TEXAS ANTIQUITIES COMMITTEE ARCHEOLOGY PERMIT APPLICATION BETWEEN THE CITY AND THE TEXAS HISTORICAL COMMISSION FOR ARCHEOLOGICAL MONITORING FOR THE UNION PLAZA TRANSIT TERMINAL PROJECT IN DOWNTOWN EL PASO, EL PASO COUNTY, TEXAS.

WHEREAS, the City of El Paso, through the Sun Metro Mass Transportation Department, with major funding from the Federal Transportation Administration, is constructing a capital improvement transportation project known as the Union Plaza Transit Terminal Project (Project) in downtown El Paso, Texas; and,

WHEREAS, State law requires the City to make an application to the Texas Antiquities Committee of the Texas Historical Commission to obtain a permit and set forth the way the City will provide for archeological monitoring of the demolition of any historical buildings within the Project limits; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a Texas Antiquities Committee Archeology Permit Application to the Texas Historical Commission to obtain a permit and to set forth the manner in which the City will provide for archeological monitoring of the demolition of any historical buildings within the Union Plaza Transit Terminal Project in downtown, El Paso, Texas.

Representative Hernandez asked for elaboration.

Mr. Robert Andron, Assistant City Attorney, explained that this is the last item prior to the demolition which is a requirement by the Texas Historical Commission. The Texas Historical Commission has surveyed the historical buildings in the Union Plaza District area and would then be giving the City the permit.

Ms. Monica D. Cunningham, Chief Administrative Officer, explained that the Texas Historical Commission would be monitoring the project as it moves forward.

Mr. Ed Soltero, architect for the Union Plaza Transit Terminal, stated that the Union Plaza has a lot of historical significance and during the process of excavation, pottery pieces have been discovered.

Representative Sumrall asked whether the archaeologist would be working with Mr. Soltero during the construction.

Mr. Soltero stated yes, the Historical Society would be working closely during the construction and that the University of Texas at El Paso will be involved as well.

Motion made by Representative Hernandez, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

706

Event:	Reception
Licensee:	Southwestern Bell
Date:	June 13, 2001
Time:	6:00 p.m. - 8:00 p.m.
Charge for Space:	\$400.00
Charge for Staff (est.):	\$400.00
Charge for Insurance:	\$40.00
Area(s):	Gallery Lobby

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign an incoming loan agreement for the loan of the Audley Dean Nicols painting "View of El Paso At Sunset" to the Museum from El Paso High School. The loan will be an annual renewable loan. There is no cost to the City associated with this loan.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to sign an incoming loan agreement for the loan of the Fern Thurston painting "Flowers from Mrs. H.C. Dyer's Garden" and the Eugene Thurston painting "Sandia Mountains" to the Museum from Sanford and Holly Cox. The loan will be an annual renewable loan. There is no cost to the City associated with this loan.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to purchase on behalf of the City of El Paso the following work identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's office)

1. One (1) lithograph by artist Peggy Bacon entitled "Custard," valued at \$450.00;

with funds provided by the Museum's Docents. The total purchase price of FOUR HUNDRED FIFTEEN DOLLARS AND NO/100 (\$415.00), includes a THIRTY FIVE DOLLARS AND NO/100 (\$35.00) discount to the Museum.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to purchase on behalf of the City of El Paso the following work identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's office)

1. One (1) ceramic by artist Vincent Burke entitled "Guero (Oompa)," valued at \$900.00;

with funds provided by the Marian Meaker Apteckar Foundation. The total purchase price is NINE HUNDRED DOLLARS AND 00/100 (\$900.00).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art, on behalf of the City of El Paso, accept and present the exhibition "Gloria Prieto: Photographs" which is scheduled to be on view at the Museum from June 2 through August 26, 2001. The exhibit will be on loan to the Museum for the duration of the exhibit. The exhibition was organized by the El Paso Museum of Art. There is no cost to the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Agreement between the City of El Paso and the Paso del Norte Health Foundation to fund the City of El Paso Parks & Recreation Youth Outreach Program for project expenses for the Action for Youth Initiative Project - Ysleta Partnership, in the amount of Five Thousand and Five Dollars (\$5,005.00).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2000-2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

NO. 010281, SUB-OBJECT 201011

1. CONTRACTOR: Jose A. Bryan, Lifeguard I, Step 1
DATES: April 27, 2001, thru September 30, 2001
RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-264
2. CONTRACTOR: Aaron Castro, Pool Attendant I, Step 1
DATES: April 26, 2001, thru September 30, 2001
RATES PER HR: \$5.40
CONTRACT NO: 2000/2001-265
3. CONTRACTOR: Eric L. Kerkman, Lifeguard I, Step 1
DATES: April 25, 2001, thru September 30, 2001
RATES PER HR: \$6.00

CONTRACT NO: 2000/2001-266

4. CONTRACTOR: Ronel Y. L. Namde, Swim Instructor I, Step 1
DATES: April 18, 2001, thru September 30, 2001
RATES PER HR: \$5.35
CONTRACT NO: 2000/2001-267

5. CONTRACTOR: Matthew S. Taylor, Swim Instructor I, Step 1
DATES: April 26, 2001, thru September 30, 2001
RATES PER HR: \$5.35
CONTRACT NO: 2000/2001-268

6. CONTRACTOR: Lucy Todd, Lifeguard I, Step 1
DATES: April 23, 2001, thru September 30, 2001
RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-269

.....
***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2000-2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

AQUATICS

NO. 010281, SUB-OBJECT 201011

1. CONTRACTOR: Gilbert Alonzo, Jr., Swim Instructor I, Step 1
DATES: May 09, 2001, thru September 30, 2001
RATES PER HR: \$5.35
CONTRACT NO: 2000/2001-270
2. CONTRACTOR: Alexander G. Anchondo, Swim Instructor I, Step 1
DATES: May 28, 2001, thru September 30, 2001
RATES PER HR: \$5.35
CONTRACT NO: 2000/2001-271
3. CONTRACTOR: Juan C. Avalos, Lifeguard I, Step 1
DATES: May 2, 2001, thru September 30, 2001
RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-272
4. CONTRACTOR: Jarrett J. Berry, Lifeguard I, Step 1
DATES: May 7, 2001, thru September 30, 2001
RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-273
5. CONTRACTOR: Jesus D. Del Toro, Swim Instructor I, Step 1
DATES: May 2, 2001, thru September 30, 2001
RATES PER HR: \$5.35

- CONTRACT NO: 2000/2001-274
6. CONTRACTOR: Lilliana E. Dominguez, Swim Instructor I, Step 1
DATES: May 8, 2001, thru September 30, 2001
RATES PER HR: \$5.35
CONTRACT NO: 2000/2001-275
7. CONTRACTOR: Maricruz Gallegos, Pool Attendant I, Step 1
DATES: May 1, 2001, thru September 30, 2001
RATES PER HR: \$5.40
CONTRACT NO: 2000/2001-276
8. CONTRACTOR: George Martinez-Garcia, Lifeguard I, Step 1
DATES: May 3, 2001, thru September 30, 2001
RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-277
9. CONTRACTOR: Adrian J. Herrera, Lifeguard I, Step 1
DATES: April 30, 2001, thru September 30, 2001
RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-278
10. CONTRACTOR: Joshua T. Jones, Swim Instructor I, Step 1
DATES: April 30, 2001, thru September 30, 2001
RATES PER HR: \$5.35
CONTRACT NO: 2000/2001-279
11. CONTRACTOR: Ernesto Marin, Pool Attendant I, Step 3
DATES: May 1 2001, thru September 30, 2001
RATES PER HR: \$5.80
CONTRACT NO: 2000/2001-280
12. CONTRACTOR: Alberto Martinez, Lifeguard I, Step 1
DATES: April 30, 2001, thru September 30, 2001
RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-281
13. CONTRACTOR: Michael J. Meza, Swim Instructor I, Step 1
DATES: May 7, 2001, thru September 30, 2001
RATES PER HR: \$5.35
CONTRACT NO: 2000/2001-282
14. CONTRACTOR: Miguel Ortiz, Swim Instructor Coordinator I, Step 1
DATES: May 7, 2001, thru September 30, 2001
RATES PER HR: \$6.50
CONTRACT NO: 2000/2001-283
15. CONTRACTOR: Evelyn N. Ramirez, Swim Instructor I, Step 1
DATES: April 27, 2001, thru September 30, 2001
RATES PER HR: \$5.35

CONTRACT NO: 2000/2001-284

16. CONTRACTOR: Lorenza B. Salcido, Swim Coordinator Step 1
DATES: April 18, 2001, thru September 30, 2001
RATES PER HR: \$6.50
CONTRACT NO: 2000/2001-285

17. CONTRACTOR: Carmen Torres, Lifeguard I, Step 1
DATES: March 22, 2001, thru September 30, 2001
RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-286

18. CONTRACTOR: Leah A. Wayne, Lifeguard I, Step 1
DATES: May 9, 2001, thru September 30, 2001
RATES PER HR: \$6.00
CONTRACT NO: 2000/2001-287

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreement with the following for programs at the Richard Burges Branch of the El Paso Public Library. There is no cost to the City.

1. Carlos Perales, Robotics Presentation, June 9, 2001
 2. Dominic Lannutti, UTEP Biology Department, to give presentation on snakes, June 16, 2001
-

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract for an Independent Contractor between the **CITY OF EL PASO** and **AMADA DELGADO** to conduct storytelling at the Irving Schwartz Branch Library on July 21, 2001 from 3:00 pm to 4:00 pm. The total cost for the program will be \$60.00.

.....

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Amendment to the Personal Services Contract for an Independent Contractor between the **CITY OF EL PASO** and **INSIGHT MUSEUM VAN** to correct the total amount of compensation to \$400.00.

.....

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract for an Independent Contractor between the **CITY OF EL PASO** and **DEBORA RINDGE** to research and write several essays for the Museum of Art's catalogue of its American Collection at the rate of \$20.00 per hour, not to exceed 20 hours per week. The total amount of the contract shall not exceed \$5,000.00. The contract period shall be from

June 1, 2001 through August 31, 2001 and is subject to the approval of the City's Civil Service Commission.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **BRENDA ENRIQUEZ** as a Clerk I for the Mayor's Office at the rate of \$7.98 per hour, not to exceed 40 hours per week. The contract period shall be from May 23, 2001 through September 30, 2001. This contract is subject to the approval of the City's Civil Service Commission.

Resolution was revised to read "40 hours per week".

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Conditional Right of Entry Agreement, on behalf of the Street Department, between the City of El Paso and Charles and Rosi DeVillier, allowing the landscape and maintenance of City Drainage Right of Way between 6257 Camino Alegre and 6253 Camino Alegre Drive.

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

**Lot 3, Block 6, Westway, El Paso County, Texas.
(PID #W180-000-0006-0003)**

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as:

**Lot 9, Block 34, Park Addition to Fabens, an Addition in El Paso County, Texas.
(PID #P277-000-0340-0900)**

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

.50 acre, more or less, out of Tract 2, Block 6, Christy Tract, an Addition to the City of El Paso, being more particularly described in Volume 1571, Page 1316, Deed Records, El Paso County, Texas. (PID #C454-999-0060-1500)

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

Part of Tract 2-A, Block 6, Ascarate Grant, and known as Tract 2-V-1-F, an Addition to the City of El Paso, El Paso County, Texas, as further described in Volume 926, Page 1635, Deed Records, El Paso County, Texas. (PID #A765-999-006L-0320)

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

**Lot 1, Block 8, Alamo Alto Townsite, an Addition in El Paso County, Texas.
(PID #A455-000-0008-0001)**

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

Tract 10-C-14, Block 46, Ysleta Grant, an Addition to the City of El Paso, as further described in Volume 1686, Page 611, Deed Records, El Paso County, Texas. (PID #Y805-999-046A-1045)

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

Tract 14, Block 12, Ysleta Grant, an Addition to the City of El Paso, as further described in Volume 1819, Page 784, Save & Except that Lot, Tract or Parcel Deeded to the City of El Paso in Volume 373 Page 725, Deed Records, El Paso County, Texas. (PID #Y805-999-012C-1401)

*R E S O L U T I O N

You are hereby notified that at 9:00 a.m. on the 19th day of June, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 8873 Harding Way, in El Paso, Texas, which property is more particularly described as:

Tract: 1, Lydia Dixon Subdivision #2, an addition to the City of El Paso, El Paso County, Texas, according to the resurvey of said Lydia Dixon Subdivision #2 made by El Paso County, Texas for tax purposes

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Margarito Frescas C/O Mary Silva, 8873 McElroy Avenue is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owner fail, neglect or refuse to comply with the order of City Council the City may pursue one or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

.....

*R E S O L U T I O N

You are hereby notified that at 9:00 a.m. on the 26th day of June, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 6340 Geiger Avenue in El Paso, Texas, which property is more particularly described as:

Lot: The East ½ of Lot 4, Block 4, Glendale Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 8, Page 1, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Juan & Julia Mendez are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

.....
*RESOLUTION

You are hereby notified that at 9:00 a.m. on the 26th day of June, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 8630 Holmsley Trail Drive, in El Paso, Texas, which property is more particularly described as:

Tract: 1A, Block 10, Ysleta Grant, an addition to the City of El Paso, El Paso County, Texas, according to a resurvey made for tax purposes

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Eddie C. Rodriguez, 3514 1/2 Siskiyou Street, Los Angeles, CA 90023-2333 is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

.....
*RESOLUTION

You are hereby notified that at 9:00 a.m. on the 19th day of June, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 4460 Sunrise Avenue, in El Paso, Texas, which property is more particularly described as:

Tract: The Northerly 82 feet of the Easterly 130 feet of Tract 2, Block 6, Del Norte Acres, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 6, Page 1, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jorge Loya & Alejandra Loya, 1783 Leroy Bonse Drive, El Paso, Texas 79936 are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

.....
*Motion made, seconded and unanimously carried to delete the request for the following name to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Jesus R. Ortega, Refuse Collection Route Foreman

.....
*Motion made, seconded and unanimously carried to approve the request for the following name(s) to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Yolanda Ulloa, Police Records Specialist I

.....
*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Secretary I, Planning Department (1 position)

.....

*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Automotive Maintenance Ticket Writer, Equipment Maintenance Department (1 position)

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Personnel Department:

Add	1	Clerk Typist I	GS 6
Delete	1.20	VOE Clerks	

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Property Tax Associates in the amount of \$1,044.19, overpayment of 2000 taxes.
(PID #B692-999-0010-3000)
- B. Beaulieu Group, LLC in the amount of \$23,930.38, overpayment of 2000 taxes.
(PID #B853-999-0030-2001)
- C. Beaulieu Group, LLC in the amount of \$16,910.70, overpayment of 2000 taxes.
(PID #B853-999-0030-4100)
- D. Miguel & Lucy Carzoli in the amount of \$1,622.16, overpayment of 2000 taxes.
(PID #C818-999-0090-1300)
- E. Erica Carrillo in the amount of \$574.87, overpayment of 2000 taxes.
(PID #H753-005-0210-0100)
- F. Hermila Avina in the amount of \$1,561.57, overpayment of 2000 taxes.
(PID #M425-999-0030-1300)
- G. Guillermo Martinez in the amount of \$1,407.10, overpayment of 2000 taxes.
(PID #P682-999-0070-0100)
- H. First American Real Estate Tax Service in the amount of \$1,930.66, overpayment of 2000 taxes.
(PID #R330-999-0210-2500)
- I. First American Real Estate Tax Service in the amount of \$1,577.01, overpayment of 2000 taxes.
(PID #V893-999-0530-0300)
- J. Atlantic Mortgage in the amount of \$1,462.06, overpayment of 2000 taxes.
(PID #V893-999-0570-3700)
- K. First American Real Estate Tax Svc. in the amount of \$1,492.38, overpayment of 2000 taxes.
(PID #V927-999-0020-0200)
- L. Midland Loan Services, Inc. in the amount of \$1,504.48, overpayment of 2000 taxes.
(PID #X214-999-000A-3300)
- M. First American Real Estate Tax Service in the amount of \$1,485.57, overpayment of 2000 taxes.
(PID #X579-999-2410-0200)

*Motion made, seconded and unanimously carried to approve budget transfer BT2001-509 LIBRARY

The Library request this increase of appropriations in order to purchase Library Books. Funds for these books were given to the Lower Valley Branch thru the Texas Book Festival.

Increase	\$2,500	to	153053/539901/105065	Est Revenue
Increase	\$2,500	to	153053/539901/208039	Library Books

*Motion made, seconded and unanimously carried to approve budget transfer BT2001-517 AIRPORT

Transfer to cover remainder of project to demolish the old FAA Building and construct additional parking.

Increase	\$50,000	to	620024/AP0005/208027	Construction CWIP
Increase	\$50,000	to	620024/AP0005/107001	Intrafund Trsf In
Increase	\$50,000	to	620018/500002/107002	Estimated Revenue
Increase	\$50,000	to	620018/500002/207001	Intrafund Trsf Out

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2001-518 AIRPORT

To fund remaining portion of long term parking lot extension per engineering estimate.

Increase	\$105,000	to	620027/AP0011/208027	Construction CWIP
Increase	\$105,000	to	620027/AP0011/107001	Intrafund Trsfr In
Increase	\$105,000	to	620018/500002/107002	Estimated Revenue
Increase	\$105,000	to	620018/500002/207001	Intrafund Trsf Out

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2001-524 POLICE

The Department proposes to increase the budget for the Academy in the following accounts. This will allow the Department to purchase materials for training under the guidelines established by the State. Funding is received from the State and must be used for recognized training that meets those guidelines.

Increase	\$48,413.14	to	150070/500238/150065	Misc Revenues
Increase	\$ 2,455.35	to	150070/500238/203101	Min Office Equip
Increase	\$ 265.00	to	150070/500238/203103	Pubs & Subs
Increase	\$ 2,949.94	to	150070/500238/203104	Minor Comp Equip
Increase	\$ 102.85	to	150070/500238/203108	Training Materials
Increase	\$11,390.00	to	150070/500238/208007	Public Safety Equip
Increase	\$ 1,250.00	to	150070/500238/208010	Data Processing
Increase	\$30,000.00	to	150070/500238/204201	Trvl Exp - Empl

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2001-525 ZOO

To set up appropriations for Zoo construction projects.

Increase	\$145,000	to	153029/500040/107001	Intrafund Trsf In
Decrease	\$285,697	from	153029/500040/208004	Public Use Facilities
Increase	\$335,697	to	153029/500040/208016	City Architecture
Increase	\$ 95,000	to	153029/500040/208027	Construction

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2001-531 MUSEUM OF ART

To appropriate funds needed for travel – Funds granted by TCA.

Increase	\$200	to	154001/540006/105065	Misc Non-operating
Increase	\$200	to	154001/540006/204201	Travel Employee

*Motion made, seconded and unanimously carried to approve budget transfer BT2001-532 PLANNING

Per staffing table change request and reorganization plan memorandum.

Decrease	\$14,521.22	from	010034/201000	Non-Unif Wage & Sal
Decrease	\$ 77.00	from	010034/201100	Workers Comp
Decrease	\$ 1,130.78	from	010034/201108	POS City Emp Contr
Decrease	\$ 9.45	from	010034/201114	Life Insurance
Decrease	\$ 1,518.16	from	010034/201124	City Pen Plan Contr
Decrease	\$ 918.33	from	010034/201129	FICA City Match
Decrease	\$ 214.83	from	010034/201130	FICA Med Match
Increase	\$14,521.22	to	010347/201000	Non-Unif Wage & Sal
Increase	\$ 77.00	to	010347/201100	Workers Comp
Increase	\$ 1,130.78	to	010347/201108	POS City Emp Contr
Increase	\$ 9.45	to	010347/201114	Life Insurance
Increase	\$ 1,518.16	to	010347/201124	City Pen Plan Contr
Increase	\$ 918.33	to	010347/201129	FICA City Match
Increase	\$ 214.83	to	010347/201130	FICA Med City Match

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2001-533 PUBLIC WORKS

Public Works proposes to appropriate \$11,797 to fund school flasher installation-Copia Street. EPISD is reimbursing the City for work done on its behalf.

Increase	\$11,797	to	255005/PW0052/105067	Reimb Expenditures
Increase	\$11,797	to	255005/PW0052/208036	St Lights/Traf Signals

.....
*Motion made, seconded and unanimously carried to delete budget transfer BT2001-509 LIBRARY

The Library request this increase of appropriations in order to purchase Library Books. Funds for these books were given to the Lower Valley Branch thru the Texas Book Festival.

Increase	\$2,500	to	153053/539901/105065	Est Revenue
Increase	\$2,500	to	153053/539901/208039	Library Books

.....
*Motion made, seconded and unanimously carried to delete budget transfer BT2001-517 AIRPORT

Transfer to cover remainder of project to demolish the old FAA Building and construct additional parking.

Increase	\$50,000	to	620024/AP0005/208027	Construction CWIP
Increase	\$50,000	to	620024/AP0005/107001	Intrafund Trsf In
Increase	\$50,000	to	620018/500002/107002	Estimated Revenue
Increase	\$50,000	to	620018/500002/207001	Intrafund Trsf Out

.....
*Motion made, seconded and unanimously carried to delete budget transfer BT2001-518 AIRPORT

To fund remaining portion of long term parking lot extension per engineering estimate.

Increase	\$105,000	to	620027/AP0011/208027	Construction CWIP
Increase	\$105,000	to	620027/AP0011/107001	Intrafund Trsfr In

Increase	\$105,000	to	620018/500002/107002	Estimated Revenue
Increase	\$105,000	to	620018/500002/207001	Intrafund Trsf Out

.....
 *Motion made, seconded and unanimously carried to delete budget transfer BT2001-524 POLICE

The Department proposes to increase the budget for the Academy in the following accounts. This will allow the Department to purchase materials for training under the guidelines established by the State. Funding is received from the State and must be used for recognized training that meets those guidelines.

Increase	\$48,413.14	to	150070/500238/150065	Misc Revenues
Increase	\$ 2,455.35	to	150070/500238/203101	Min Office Equip
Increase	\$ 265.00	to	150070/500238/203103	Pubs & Subs
Increase	\$ 2,949.94	to	150070/500238/203104	Minor Comp Equip
Increase	\$ 102.85	to	150070/500238/203108	Training Materials
Increase	\$11,390.00	to	150070/500238/208007	Public Safety Equip
Increase	\$ 1,250.00	to	150070/500238/208010	Data Processing
Increase	\$30,000.00	to	150070/500238/204201	Trvl Exp - Empl

.....
 *Motion made, seconded and unanimously carried to delete budget transfer BT2001-525 ZOO

To set up appropriations for Zoo construction projects.

Increase	\$145,000	to	153029/500040/107001	Intrafund Trsf In
Decrease	\$285,697	from	153029/500040/208004	Public Use Facilities
Increase	\$335,697	to	153029/500040/208016	City Architecture
Increase	\$ 95,000	to	153029/500040/208027	Construction

.....
 *Motion made, seconded and unanimously carried to delete budget transfer BT2001-531 MUSEUM OF ART

To appropriate funds needed for travel – Funds granted by TCA.

Increase	\$200	to	154001/540006/105065	Misc Non-operating
Increase	\$200	to	154001/540006/204201	Travel Employee

.....
 *Motion made, seconded and unanimously carried to delete budget transfer BT2001-532 PLANNING

Per staffing table change request and reorganization plan memorandum.

Decrease	\$14,521.22	from	010034/201000	Non-Unif Wage & Sal
Decrease	\$ 77.00	from	010034/201100	Workers Comp
Decrease	\$ 1,130.78	from	010034/201108	POS City Emp Contr
Decrease	\$ 9.45	from	010034/201114	Life Insurance
Decrease	\$ 1,518.16	from	010034/201124	City Pen Plan Contr
Decrease	\$ 918.33	from	010034/201129	FICA City Match
Decrease	\$ 214.83	from	010034/201130	FICA Med Match
Increase	\$14,521.22	to	010347/201000	Non-Unif Wage & Sal
Increase	\$ 77.00	to	010347/201100	Workers Comp
Increase	\$ 1,130.78	to	010347/201108	POS City Emp Contr
Increase	\$ 9.45	to	010347/201114	Life Insurance
Increase	\$ 1,518.16	to	010347/201124	City Pen Plan Contr

Increase	\$ 918.33	to	010347/201129	FICA City Match
Increase	\$ 214.83	to	010347/201130	FICA Med City Match

.....
 *Motion made, seconded and unanimously carried to delete budget transfer BT2001-533 PUBLIC WORKS

Public Works proposes to appropriate \$11,797 to fund school flasher installation-Copia Street. EPISD is reimbursing the City for work done on its behalf.

Increase	\$11,797	to	255005/PW0052/105067	Reimb Expenditures
Increase	\$11,797	to	255005/PW0052/208036	St Lights/Traf Signals

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2001-540 PUBLIC WORKS

Public Works proposes to appropriate \$2,800,000 to fund the NW Service Center Projects. Funding source is FY97 sale of CO's.

Increase	\$2,800,000	to	134001/501526/107020	Bond Proceeds
Increase	\$2,800,000	to	134001/501526/207001	Intrafund Uses Trsf
Increase	\$2,800,000	to	134001/501526/107001	Intrafund Sources Trsf
Increase	\$2,800,000	to	134001/501526/208027	Construction

.....
 *Motion made, seconded and unanimously carried to approve the following Building Services - refunds:

Home Occupation refund to Dorothy Maldonado.

.....
 *Motion made, seconded and unanimously carried to approve the request of Ascarate Elementary School to hold a parade on May 24, 2001 from 9:30 a.m. to 10:30 a.m. Route: Begin at the school, south on George Orr to Red Robin, turn right on Red Robin to Sparrow, left on George Orr and return to school. Approximately 580 persons and 5 vehicles will participate and 250 spectators are anticipated. PERMIT NO. 01-056

.....
 *Motion made, seconded and unanimously carried to approve the request of Sacred Heart Church to hold a procession on June 2, 2001 from 7:30 p.m. to 9:30 p.m. Route: Oregon, Fr. Rahm, Park, Third, Park, Delta, St. Vrain, Fr. Rahm, Ochoa, Fourth, Oregon. Approximately 80 persons and 1 automobile will take part. This request includes permission to use amplification (small amplifier, speaker, 1 microphone). PERMIT NO. 01-058

.....
 Motion made by Representative Hernandez, seconded by Representative Escobar and unanimously carried to move to the regular agenda the request of Fiesta Del Sol (Six Flags Events) to use amplification (1 Peavey Sound System, 2 speakers, 2 microphones) at Mills between Ochoa and Virginia on May 23 - May 28, 2001 from 11:00 a.m. to 12:00 p.m.

Mayor Carlos M. Ramirez explained that this event would be opening tomorrow, Wednesday, May 23rd and that advertising for the event has already begun. The community is really looking forward to it.

Representative Hernandez encouraged everyone to attend and was pleased to see that the Police Department would be employing 27 officers as extra security.

Captain Mike Gill, El Paso Police Department, stated that the Police Department is confident that they can police the event and encouraged the public to participate.

Motion made by Representative Hernandez, seconded by Representative Escobar and unanimously carried to approve the request of Fiesta Del Sol (Six Flags Events) to use amplification (1 Peavey Sound System, 2 speakers, 2 microphones) at Mills between Ochoa and Virginia on May 23 - May 28, 2001 from 11:00 a.m. to 12:00 p.m. Approximately 25 persons will use amplification and 60,000 are anticipated. PERMIT NO. 01-062

.....
Motion made by Representative Sumrall, seconded by Representative Sariñana and unanimously carried to deny the appeal regarding an Ordinance changing the zoning of a portion of Tract 8-A, Block 9, Upper Valley Surveys, El Paso, El Paso County, Texas (6135 Westside Drive) from R-F (Ranch-Farm) to S-D (Special Development). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Virginia R. Rocha / Representative: Robert Roque, 6135 Westside Dr., 79932; ZC-00047 **THIS IS AN APPEAL ZONING CASE**

Representative Sumrall asked Ms. Pat Adata, Planning Director, whether she has had any conversation with Mr. Roque recently. Representative Sumrall added that she has tried to reach Mr. Roque due to a problem with his zoning change.

Ms. Adata stated no, and that the Planning Department has been trying to contact him via the telephone and/or the physical address since last week with no response.

.....
Motion made by Representative Sariñana, seconded by Representative Medina and unanimously carried to move to Executive Session an Ordinance changing the zoning of a portion of Lot 3, Block 55, Rangers Rest Subdivision Unit One, City of El Paso, El Paso County, Texas (1015 North Zaragoza Road) from R-4 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code.

See Executive Session item on Page 47 of these minutes for action on this zoning change.

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ORDINANCE 14851

The City Clerk read an Ordinance entitled: **AN ORDINANCE APPROVING THE RIM-UNIVERSITY NEIGHBORHOOD PLAN AS A SPECIFIC STUDY AREA PLAN TO BE INCORPORATED INTO THE CITY'S COMPREHENSIVE PLAN, THE PLAN FOR EL PASO, AND WHICH NEIGHBORHOOD PLAN SHALL AMEND THE YEAR 2025 GENERAL LAND USE MAP INCORPORATED THEREIN AS TO THE RIM-UNIVERSITY NEIGHBORHOOD.**

Mayor Carlos M. Ramirez stated that the City Plan Commission held a meeting and that an agreement had been reached. The City Plan Commission voted to recommend to Council that the Plan be approved, 5-1.

Ms. Pat Adata, Planning Director, stated that she has come to Council today with the consensus changes which were agreed upon by the commercial and residential neighbors in the neighborhood. She explained that in the Representatives' back up material she has provided a complete listing of the recommended changes and conditions. She explained that as of today, May 22, 2001, the Department has received four letters in opposition, 20 petitions in support of the Plan but opposed to the "NCO" designation and finally, 161 written petitions in support of the Plan and the "NCO" designation. Ms. Adata stated that in looking at the entire study area approximately 75% of the property owners are in support of the Plan, 2.4% are against, and 18.6% have not responded.

Representatives Hernandez, Sariñana, and Cook, asked questions and made comments.

Mayor Carlos M. Ramirez congratulated Ms. Adata for her great work.

Ms. Adatao explained that many meetings have been held since these items were on the City Council Agenda previously. She thanked everyone who has been involved in the process.

Ms. Risher Gilbert, Rim Neighborhood Association Board Member, recognized the other Rim Neighborhood Association Board Members and explained that everyone has worked diligently on this project. She stated that everyone has made concessions and compromises and she appreciated everyone's cooperation. She added that she hoped this Plan would be utilized as a spring board for other neighborhoods and that this would be a great planning tool for the future. She stated that the Rim Neighborhood Association would not object to Dr. Alpern's special permit. In closing, she stated that this has been approved by the City's Department Heads, Planning staff, BZAC and the City Plan Commission. She thanked Ms. Adatao for spending many hours on this project, Judge Angie Barill, Representative Sumrall and Mayor Carlos M. Ramirez.

Representative Sumrall thanked Mayor Ramirez and was happy to see the conclusion of the project while the Mayor was still in office. She thanked Ms. Gilbert and all those on the Committee. She assured the Association that the new Mayor would not be in opposition of the residential use on that particular strip of property. She thanked Dr. Alpern and HCA for coming to the table and agreeing with the consensus. She explained that there is one property owner who is in disagreement with the Plan and that his property can be brought before the Committee to determine what might be done with his property in the future.

Ms. Adatao explained the on street parking was required due to not removing additional front yard lawns to accommodate service parking and that the Plan supports angle parking for Judge Barill's property along Blacker.

Mr. Victor Firth, attorney representing Dr. Alpern, thanked Ms. Adatao and her staff and the other commercial property owners who were present at all the meetings. He explained Dr. Alpern's concern regarding the property located at Stanton and University and that a consensus had been reached so that the property would be developed into a parking lot. Mr. Firth commented on Dr. Alpern's special permit application, which would be heard on May 30 at the City Plan Commission meeting and would then be coming to Council for a decision.

Dr. Louis Alpern, commercial property owner, thanked all those individuals with whom he has spoken and have listened in order that a consensus might be reached which serves the neighborhood, his patients and the City of El Paso. He also thanked Ms. Adatao for her positive involvement in this project.

Ms. Isabel Glasgow, resident, explained that she is in favor of the NCO overlay, however, she would like to see the boundary go down the center of Stanton Street. She explained that she is the owner of the property at 1911 Stanton Street and this property does not have "H" overlay or any other restrictive covenants, however, the property now is zoned as mixed-use. She requested that the NCO designation begin on the east side of Stanton and that the boundary be returned to what was in the 1989 Plan for El Paso. She asked that her property be left out of the NCO designation. She commended Ms. Adatao for her hard work on this project.

Ms. Adatao pointed out to Council Members where Ms. Glasgow's home is located and explained that at today's meeting Council Members are not taking action as to which properties would be designated NCO, however, the Plan is recommending that the entire property be designated NCO. She expounded on the 1989 Comprehensive Plan and the current Plan for El Paso. She stated that the 1989 Plan dealt with how the area was to be designated for land use purposes. She explained that the Planning Department and the Neighborhood Association has provided notice of the meetings. Ms. Adatao stated that Ms. Glasgow's property is in the area designated as mixed use to permit offices in addition to the dwelling that Ms. Glasgow currently has.

Mayor Ramirez asked Ms. Adauto whether or not Ms. Glasgow wishes to change the use of her property but maintain it as a residence, Ms. Glasgow does not have to make the change.

Ms. Adauro stated that was correct and explained the mixed use designation, once approved by Council Members, does not mean that the properties would have to convert to professional offices, but allows the property owners an additional use which they can utilize on their properties.

Judge Angie Barill expounded on the process with which this project has endured. She requested that Council Members approve the Rim University Neighborhood Plan. She asked Council Members to approve the Plan and she stated that her A/O zoning request would be postponed because she would not need it if her property falls under the mixed use. She also thanked Ms. Adauto for her thousands of hours of work on this project and Attorney Risher Gilbert as well.

Mayor Ramirez stated that when people work together solutions can be made and approved. He thanked Ms. Aduato and her staff, Ms. Risher Gilbert and all the neighbors for their willingness to put together a plan that will protect, enhance and preserve the neighborhood. He added that this project would be utilized as a model for other El Paso neighborhoods, as well as other City neighborhoods throughout the State of Texas.

Ms. Adauto explained the process required for a Special Permit. She explained that the process is essentially the same as that of a rezoning application.

Motion duly made by Representative Sumrall, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Hernandez

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Ortega was not present for the vote.

ORDINANCE 14852

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, BY AMENDING CHAPTER 20.08 (GENERAL DESIGN AND USE REGULATIONS) BY ADDING REQUIREMENTS FOR A NEIGHBORHOOD CONSERVANCY OVERLAY, AND BY PERMITTING SUCH OVERLAY DESIGNATION THROUGH A SPECIAL PERMIT PROCESS WITHIN CHAPTERS 20.10 (R-F RANCH AND FARM DISTRICT), 20.12 (R-1, R-2, R-2A, R-3 AND R-3A RESIDENTIAL DISTRICTS), 20.14 (R-4 AND R-5 RESIDENTIAL DISTRICTS), 20.20 (A-1 APARTMENT DISTRICT), 20.22 (A-2 APARTMENT DISTRICT), 20.24 (A-3 APARTMENT DISTRICT), 20.26 (A-4 APARTMENT DISTRICT), 20.28 (A-O APARTMENT/OFFICE DISTRICT, 20.30 (A-3/O APARTMENT/OFFICE HIGH DENSITY DISTRICT), 20.52 (S-D SPECIAL DEVELOPMENT DISTRICT), 20.53 (U-P UNION PLAZA DISTRICT), 20.54 (P-R PLANNED RESIDENTIAL I), 20.56 (P-R PLANNED RESIDENTIAL DISTRICT II), AND 20.61 (SRR SPECIAL RESIDENTIAL REVITALIZATION DISTRICT), THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE CODE.**

Ms. Pat Adauro, Planning Director, explained that the above Ordinance proposes that a City Review Committee consisting of the Directors of Planning, Building Services, and the City architect would review building permits referred to the Committee by Building Services Department as to exterior work and not one

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of the accepted properties per the Plan. The Committee would then review the plan to ensure conformance with the mandatory design standards of the Plan. She added that the Code amendment provides that the Committee give notice to an association who has worked with City staff to create the Plan and also notice to all abutting owners as a courtesy. She added that the decision as to whether or not they have satisfied the design standards are made by technical staff not the neighborhood residents and should the City Review Committee deny an application for building permits the applicant does have an appeal process to follow. She explained the design standards and restricted covenants or deed restrictions dealing with compatibility issues within the neighborhood.

Motion duly made by Representative Sumrall, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Hernandez

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Ortega was not present for the vote.

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ORDINANCE 14853

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, BY AMENDING CHAPTER 20.08 (GENERAL DESIGN AND USE REGULATIONS) BY ADDING REQUIREMENTS FOR A RESIDENTIAL MIXED-USE DEVELOPMENT, AND BY PERMITTING SUCH USE THROUGH A SPECIAL PERMIT PROCESS WITHIN CHAPTERS 20.10 (R-F RANCH AND FARM DISTRICT), 20.12 (R-1, R-2, R-2A, R-3 AND R-3A RESIDENTIAL DISTRICTS), 20.14 (R-4 AND R-5 RESIDENTIAL DISTRICTS), 20.20 (A-1 APARTMENT DISTRICT), 20.22 (A-2 APARTMENT DISTRICT), 20.24 (A-3 APARTMENT DISTRICT), 20.26 (A-4 APARTMENT DISTRICT), 20.28 (A-O APARTMENT/OFFICE DISTRICT), 20.30 (A-3/O APARTMENT/OFFICE HIGH DENSITY DISTRICT), 20.52 (S-D SPECIAL DEVELOPMENT DISTRICT), 20.53 (U-P UNION PLAZA DISTRICT), 20.54 (P-R PLANNED RESIDENTIAL I), 20.56 (P-R PLANNED RESIDENTIAL DISTRICT II), AND 20.61 (SRR SPECIAL RESIDENTIAL REVITALIZATION DISTRICT), THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE CODE.**

Motion duly made by Representative Sumrall, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Hernandez

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Ortega was not present for the vote.

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Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to authorize the Planning, Research & Development Department to City-initiate and process applications for a

neighborhood conservancy overlay and residential mixed-use development district for properties within the Rim-University Neighborhood pursuant to the recommendations of the approved Rim-University Neighborhood Plan.

Ms. Pat Aauto, Planning Director, explained the new changes the group is recommending and that the entire neighborhood be recommended for an NCO designation with the exceptions which she enumerated for the non-residential properties and only the four specific properties along Stanton Street be designated residential/mixed used development district.

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Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to postpone eleven (11) weeks an Ordinance changing the zoning of Lots 7 - 10, Block 14, Alexander Subdivision, El Paso, El Paso County, Texas (220 Blacker Avenue) from R-4 (Residential) to A-O (Apartment-Office). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Patrick R. and Angelica J. Barill, 220 Blacker Ave., 79902; ZC-99054.

Ms. Pat Aauto, Planning Director, explained that the Department is requesting the postponement due to the applicant's request to preserve their opportunity to be heard. She added that she anticipated the hearing would be held on June 27th at the Development Coordinating Committee, a July 12th hearing before the City Plan Commission, and on August 7th the item would come before City Council Members.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance amending Title 15 (Public Services) of the El Paso Municipal Code, by amending Chapter 15.08 (Street rentals), Section 15.08.120 (Special privilege licenses) by establishing requirements and fees for the installation of temporary street displays within portions of public rights-of-way, the penalty being as provided in Section 15.08.120.K of the Code.

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ORDINANCE 14854

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 14, BLOCK 2, SIERRA VISTA ACRES, CITY OF EL PASO, EL PASO COUNTY, TEXAS (4421 EDGAR PARK) FROM A-O (APARTMENT-OFFICE) TO C-1 (COMMERCIAL), AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Mayor Carlos M. Ramirez stated that there was a meeting held between the Planning Department, the Legal Department, the applicant and Mr. Chapman, and based on this meeting a recommendation was made.

Ms. Pat Aauto, Planning Director, explained that a meeting was held with the applicant and property owners. A list of restricted uses were presented by property owners, Mr. and Mrs. Chapman, as part of the C-1 zoning. The recommendation from the Planning Department that this property be zoned C-1 without any restrictions. At the meeting the Chapmans were willing to remove only one of the restricted uses which was the dry cleaning shops. The applicant had initially asked for a C-3 because of the abutting C-3 zoning because the intent is to use the site for a day care center. When the case was heard at the City Plan Commission meeting the Commission recommended C-1 zoning due to the objections posed by the Chapmans.

Mayor Ramirez clarified that the recommendation from the CPC is for C-1 without restrictions.

Representative Sumrall asked Ms. Aauto whether this is a 211.006(d) case.

Representative Sariñana asked Mr. Charlie McNabb, City Attorney, if the Council Members approved the restrictions would the restrictions be binding in a court of law.

Mr. Grant, applicant, commented that Mr. Chapman approached him and stated that Mr. Grant should have called Mr. Chapman prior to purchasing the property. He found this request to be very strange.

Mr. McNabb stated that the Radio Tower issue would be superseded by the Federal Telecommunications Act. The City would have to look at this on a case by case basis. He then clarified that there are limitations on Municipal regulations on towers and it would depend on the circumstances and what the objections were to the radio tower.

Motion duly made by Representative Cook, seconded by Representative Rodriguez that the Ordinance be adopted with conditions. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

Representative Ortega was not present for the vote.

ORDINANCE 14855

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A SPECIAL WARRANTY DEED CONVEYING TO THE UNIVERSITY OF TEXAS AT EL PASO, A TEXAS INSTITUTE OF HIGHER EDUCATION, TWO PARCELS OF LAND CONSISTING OF UNOPENED STREET RIGHTS-OF-WAY FOR KERBEY STREET AND NEW YORK STREET. SAID RIGHTS-OF-WAY BEGINNING AT A JUNCTION WITH EL PASO STREET; KERBEY STREET BEING A SEVENTY FOOT WIDE PARCEL OF LAND, BLOCK 162 AND 186 AND NEW YORK STREET BEING A SEVENTY FOOT WIDE PARCEL OF LAND, BLOCK 186 AND 190 AND BOTH TERMINATING AT OREGON STREET, ALL IN ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS.**

Mayor Carlos M. Ramirez explained that this is a conveyance of two street right-of-ways to the University. These properties were conveyed to the City from the University originally and that this would allow the University to complete the new housing complex.

Mr. Robert Andron, Assistant City Attorney, stated that this has specific statutory authority as per State law to convey to the Texas Institute of Higher Learning.

Mr. Richard Adatao, Assistant to the President of the University of Texas at El Paso, presented Council Members with a slide presentation and expounded on the new housing complex at the University. He stated that the University needs the property to expand the parking area for the tenants of the housing complex.

Representative Sumrall asked whether water flows through the arroyo. Mr. Adatao explained that the arroyo begins at Crazy Cat and that the University maintains the arroyo through the inner part of the campus until the water gets piped into the river.

Mayor Ramirez explained that the University's intent is not to fill in the arroyo, however, the intent is to cover over it in order to have more parking. Mr. Adatao stated that the University would need to fill in a portion of the arroyo which abuts the Student Family Housing. Mr. Adatao stated that there is a State statute which allows a Municipality to convey property to a higher education institution for the use of the institution.

Mr. Matt Carroll, representing the Franklin Mountain Wilderness Coalition, explained that a letter was prepared by the Coalition and addressed to the President of the University. He then read the letter to Council Members.

Representative Sumrall stated that the University would take any considerations, as read by Mr. Carroll, into consideration.

Motion duly made by Representative Sumrall, seconded by Representative Hernandez that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Hernandez
NAYS:	None
Absent:	None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Representative Ortega was not present for the vote.

RESOLUTION APPROVING DETAILED SITE DEVELOPMENT PLAN NO. DP-01003, FOR A PORTION OF LOT 1, BLOCK 1, AMERICAS BUSINESS PARK, EL PASO, EL PASO COUNTY, TEXAS (1200TH BLOCK OF GATEWAY WEST BOULEVARD), PURSUANT TO ORDINANCE NO. 6567.

WHEREAS, TRINITY ASSET DEVELOPMENT COMPANY LTD. (the "Applicant") has applied for approval of a detailed site development plan pursuant to Ordinance No. 6567, to permit the construction and development of a motor carrier terminal (warehouses); and

WHEREAS, a report was made by the staff to the City Plan Commission and a public hearing was held regarding such application; and

WHEREAS, the City Plan Commission has recommended approval of the subject detailed site development plan; and

WHEREAS, the subject detailed site development plan has been submitted to the City Council of the City of El Paso for review and approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. Pursuant to Section 20.04.150, the City Council hereby approves the detailed site development plan submitted by the Applicants, to permit the construction and development of a motor carrier terminal (warehouses) on the following described property which is located in a C-4/sc (Commercial/special condition) District:

A Portion of Lot 1, Block 1, AMERICAS BUSINESS PARK, El Paso, El Paso County, Texas, as more particularly described by metes and bounds in the attached and incorporated Exhibit "A"; and municipally referred to as the 12000 Block of Gateway West Boulevard.

A copy of the approved detailed site development plan, signed by the Applicants, the Mayor and the Secretary of the City Plan Commission, is attached hereto, as Exhibit "B" and incorporated herein by reference.

2. All construction and development on the property shall be done in accordance with the approved detailed site development plan and the development standards applicable in the C-4/sc (Commercial/special condition) District regulations.

3. The Applicant shall sign an agreement to develop the property and to perform all construction thereon in accordance with the approved detailed site development plan and the standards applicable in the C-4/sc (Commercial/special condition) District regulations. Such agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

4. This approval shall be void if construction on the property is not started in accordance with the approved detailed site development plan within four (4) years from the date hereof.

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

Representative Ortega was not present for the vote.

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Motion made by Representative Hernandez, seconded by Representative Sariñana and carried to postpone two (2) weeks the public hearing to determine if the property located at 114 S. Virginia St., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

Mr. Thomas Maguire, Building Services, read from a prepared statement and gave the Department's recommendations.

Representative Hernandez explained that she has spoken with the property owner and that he is moving forward with improvements to the property.

Representative Sumrall asked if the tenants living in the building have been relocated.

Mr. Al Weisenberger, substitute attorney for Mr. Gary Weiser representing the property owner, stated that the tenants are still living in the building.

Representative Hernandez explained that the tenants have not been relocated yet, however, the owner is working on rehabilitating the building.

Mr. Reginald Bussey, Assistant City Attorney, explained that the property has not yet been condemned and that the item has been postponed several times.

Mr. Weisenberger explained that when the item was postponed two weeks ago the owner was to come back to Council with a floor plan and a plan for the repairs for the apartment building. He stated that at that time there was no discussion regarding relocating the tenants. He added that some work has been done to the building and Mr. David Marcus, engineer hired by the property owner, could not provide the plan within the two weeks and that he had asked for six to eight weeks to prepare a plan. He stated that Mr. Marcus had conducted an examination of the building in 1994 and had found the building to be structurally sound and that a letter from Zamora Engineering, received May 22, 2001, found the building to be structurally sound. During the last two weeks Mr. Telles has had work done on the building and that Mr. Frank Barraza, El Paso Plumbing, has entered into an agreement to do repairs on the building.

Mr. Richard Telles, property owner, stated that the building inspector has not accurately described the building. He invited Council Members to go to his property and examine the building themselves. He stated that he has spent over \$20,000.00 for plastering and other items. He stated that the building used to be the Austin Apartments and that the tenants have not filed a complaint. He challenged Council Members to go with him and inspect the building.

Representative Hernandez asked how many tenants were in the building now and stated that the residents pay very low rents, if they pay.

Mr. Telles stated that there are 15 apartments being utilized at the present time.

Representative Sumrall asked how far the building was from the fire station and if a fire inspector had inspected the building recently.

Mr. Telles stated his building is two blocks from a fire station and that the fire inspector had written a letter "in general". He commented on the inspection done by the Health Department.

Representative Sumrall asked Mr. Maguire if there were copies available of letters written from the Fire and Health Inspectors.

Mr. Maguire stated that yes, and that the Fire Department Survey was dated March 5, 2001 and the Health Department Inspector letter was dated January 18, 2001.

Mr. Telles stated that he wasn't asking for any favors but rather justice.

Representative Hernandez moved to give Mr. Telles and his people at least 30 days to get everything in order. There was no second to her Motion.

Mr. Maguire stated that the Department is requesting the Plan due to concerns regarding the egress, size of the doors and windows, etc., and that the Department requires a full Plan when the building is being rehabilitated.

Mayor Carlos M. Ramirez explained that the City has asked other property owners to comply with the Department's recommendations to provide a Plan within the appropriate time and that they have done so.

Mr. Telles stated that he has two architects, however, he was not sure if either one would be able to produce the Plan as requested.

Representative Rodriguez asked Mr. Telles where the justice was for the tenants in the building and asked when the last time was he had done any remodeling to the building.

Mr. Telles answered that he has painted the floors and windows within the last two weeks.

Representative Medina stated that he would take Mr. Telles up on his offer and come and inspect the building and asked that Mr. Maguire and Mr. Larry Zamora also be present.

Mr. Telles stated that it would take longer than a day due to the building being three stories high.

Mr. Charlie McNabb, City Attorney, clarified what had transpired at the Council Meeting two weeks ago. He stated that Building Services recommended that the building be found to be unsafe and that it be boarded and secured in 30 days or repaired. Mr. Weiser then asked for 90 days and that Legal explained that Council Members cannot grant longer than 30 days or up to 90 days unless the property owner brings to Council Members a Plan to rehabilitate the building which has been approved by the Building Services Department. He stated that Council Members gave Mr. Telles two weeks to compile a Plan, however, Mr. Telles then asked for an additional 90 days to produce a Plan. He explained that at this time Council Members could postpone the item for an additional two weeks.

Mayor Ramirez explained that there are reports from the Health Department, Fire Department, and Building Services Department which all state that there are problems with the building.

Mr. Weisenberger asked what Plan is required. He stated that there is a difference between a full scale floor plan and a plan of improvement of the apartments. He stated that Mr. Telles would not be able to produce a full scale floor plan within two weeks.

Mr. McNabb explained to Mr. Weisenberger that Mr. Telles needs to present a Plan that will show how he will remediate the identified problems within the period of time that he is requesting if he is requesting a period of time greater than 30 days.

Mr. Williams differentiated between "Plan" and "drawing". He explained that in this particular case there are electrical, plumbing and some structural problems which would require the seal of an engineer before the

Department would accept the drawing(s). He added that the Department's recommendation is not to demolish the building but to condemn it until fully renovated.

Mr. McNabb explained that the Building Services Department has identified deficiencies with the building. He said the Plan that is required is a timetable showing that Mr. Telles can and will make the necessary repairs and when the repairs would be made. Those repairs requiring an engineer's seal would need to be approved by an engineer. He used the following as an example: Mr. Telles could identify that he would replace the screens on the first floor in the first two weeks and the screens on the second floor in the next two weeks. He explained that a Plan of Action is to remedy the deficiencies that Building Services has requested.

Mayor Ramirez then gave some specific examples for clarification such as the foundation having problems. An engineer would need to place his seal and state how the foundation would be repaired, how would the sagging floors would be repaired, the roof structure leaks how would the leaks be fixed, the means of egress do not meet minimum code requirements - how would the engineer specifically fix the egress.

Mr. Weisenberger explained that he did not understand that Council required Mr. Telles to come up with a detailed floor plan.

Mayor Ramirez pointed out that the Building Services Department inspected the 20 apartments and that the inspectors can point out the areas and items which need to be repaired in each apartment. He then explained to Mr. Weisenberger what procedures would need to be completed in order to repair the building as a whole.

Ms. Monica D. Cunningham, Chief Administrative Officer, explained the reason why Mr. Maguire had written the May 15th letter to Mr. Weiser. She stated that she had asked Mr. Maguire to write the letter due to Mr. Weiser's not understanding what the Building Services Department was requiring. The letter was written because of Mr. Weiser's complaint that there was not enough specifics.

Mr. Williams explained that the Building Services Department is not asking Council Members to condemn the property due to the failure to submit a Plan, however; the previous recommendation was because of the condition of the apartments. He said the Building Services Department is asking Council Members to condemn the building, force the owner to vacate the building for the tenants protection until the necessary repairs have been made. In order for Council Members to grant more than 30 days time to make the necessary repairs, the property owner must supply a Plan demonstrating what the property owner is going to accomplish within the 90 day period.

Mr. Telles explained that tomorrow he could bring a Plan, however, he could not provide the actual physical Plan of each apartment.

Mayor Ramirez recommended that Mr. Telles and his attorney meet with Mr. Williams and Mr. Maguire and these two gentleman will clearly explain what they expected from Mr. Telles.

Representatives Sumrall and Rodriguez voted Nay to the motion to postpone two weeks.

Representative Ortega was not present for the vote.

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*Motion made, seconded and unanimously carried to delete the public hearing to determine if the Council Resolution of March 31, 2001 for the property located at 4722 Hercules Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the council order has not been complied with.
.....

RESOLUTION

You are hereby notified that at 9:00 a.m. on the 22nd day of May, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 4903 Wichita Circle, in El Paso, Texas, which property is more particularly described as:

Lot: 2071, Block 85, Mountain View Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 2, Page 23, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Edward J. Jenkins and Susan M. Jenkins are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owners' lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

Mr. Thomas Maguire, Building Services, read from a prepared statement, provided pictures for Council Members viewing and gave the Department's recommendation.

Mayor Carlos M. Ramirez stated that there were taxes owed on this property and asked that this matter be rectified.

Motion made by Representative Rodriguez, seconded by Representative Sumrall and unanimously carried to accept the recommendation of the Building Services Department and approve the above Resolution.

Representatives Ortega and Hernandez were not present for the vote.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 11025 Paducah Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.
.....

ORDER

WHEREAS, after providing due notice to the Owners of the hereinafter described property, the City Council of the City of El Paso conducted a Public Hearing on May 22nd, 2001 regarding the property located at 3725-3725 ½ Wickham Avenue, more particularly described as:

Lots: 1 through 6, Block 74-B, Logan Heights, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 12, Page 37, Plat Records of El Paso County, Texas

and found that the Building located on said property is substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can not be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owners of said property to demolish the Building and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated April 17th, 2001, that is on or before May 16th, 2001.

WHEREAS, the City Council ORDERED the Owner of said property to appear before City Council on May 22nd, 2001, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council, having heard the evidence, makes the following findings:
 - a. That the Owner of said property, Maria E. Hargrove, 3725-3725 ½ Wickham Avenue, was notified of the requirements of Section 18.52.040 and of her need to comply with these requirements as they relate to her property; and
 - b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to demolish the Building, and clean the premises of all weeds, trash and debris within 30 days after April 17th, 2001 that is, on or before May 16th, 2001; and
 - c. That the Owner has failed to comply with the Order each day from May 16th, 2001 through May 22nd, 2001, a total of 6 days; and

- d. That the property which is subject to the Order is not the Owner's homestead; and
- e. That the City Council can assess a civil penalty against the Owner in an amount not exceed \$1,000.00 a day for each violation, a total of \$6,000.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Owner is hereby assessed the following civil penalties: \$50 a day for each of the 6 days during which the City Council Order of April 17th, 2001 was not complied with; for a total of \$300.
2. That the City Clerk file a certified copy of this Order with the District Clerk of the County of El Paso; and
3. That the Owner is hereby placed on notice that continuing failure to comply with the City Council's Order to demolish the Building and clean the premises of all weeds, trash, and debris may result in additional penalties.

Mr. Thomas Maguire, Building Services, provided slides for Council Members, read from a prepared statement and gave the Department's recommendation.

Ms. Carmen Perez, attorney with Delgado Acosta Spencer Linebarger Heard & Perez LLP, explained that the taxes owed are for years 1998 to 2000 and that there is a suit on the property.

Representative Sumrall asked if Council Members approve the additional \$50.00 per day fine, would this amount be added to the sale of property.

Mr. Maguire stated no, it is a separate item. He explained that penalties are an assessment against the owner for failure to comply with Council Order. However, the taxes and demolition costs are assessed against the property as a lien.

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to accept the recommendation of the Building Services Department and approve the above Order.

Representatives Ortega and Hernandez were not present for the vote.

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*Motion made, seconded and unanimously carried to postpone one week the discussion and action concerning report and recommendations of Thomas C. DeWard concerning Basic Tier rates and surcharges of Time Warner Communications in the City of El Paso.

.....
*Motion made, seconded and unanimously carried to delete the discussion and action that the Mayor be authorized to sign an Agreement with Russun, L.P., referred to in the City Council Resolution dated March 20, 2001, concerning the I-10 Commercial Subdivision. (Risher Gilbert, attorney for applicant)

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*Motion made, seconded and unanimously carried to postpone one (1) week the discussion and action on an appeal of the Development Coordinating Committee denial of SP-01002 requesting to build an overhead walkway across a portion of public drainage right-of-way to provide access between Lots 36 & 37, Block 7, Ridge View Estates, Unit 2. (Padilla Homes)

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso approves the participation by the El Paso Fire Department in the Independence Day Parade to be held by the Rotary Club of West El Paso on July 4, 2001 by providing a 1948 Mack Fire Engine as an entry in the parade. Chief Glenn M. Johns and members of his family are authorized to be seated on and to ride the 1948 Mack Fire Engine for the duration of the parade.

Motion made by Representative Sumrall, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Representative Ortega was not present for the vote.

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Motion made by Representative Ortega, seconded by Representative Sumrall and unanimously carried to move this item to the beginning of the agenda.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor and City Council accept the recommendation from the Parks and Recreation Advisory Board to rename Vista Real Park to "CHESTER E. JORDAN" Park AND that the Mayor authorize expenditure of three thousand (\$3,000.00) from District 5 - Discretionary Funds to the Parks & Recreation Department for signage expenses for the renaming of the park.

Mr. Charles Nutter, Director of Parks & Recreation, explained that this item was recommended by Representative Ortega and has gone through the proper process for park naming proposals at which time the Park's Board recommended the renaming of the park. He added that many Parks and Recreation staff members have worked with Mr. Jordan in the past and that there are a lot of good people on this earth, a few great people, and then there's Mr. Jordan.

Representative Ortega stated that it is an honor and privilege to make this recommendation. He said there are many outstanding individuals in our community and the City should honor them while they are still living, such is the case with Mr. Jordan. Representative Ortega expounded on the many organizations with which Mr. Jordan volunteers his time. He asked that new Council Members continue to honor those who deserve these great honors. Representative Cook stated that Mr. Jordan is a mean card dealer, gives generously of his time and talent, and is a true treasure to the Community.

Mr. Chester E. Jordan, honoree, stated that he was speechless when he heard of the honor and thanked his parents for making him what he is today. He thanked Representative Ortega for loving the City like he loves the City. He stated that he learned more about the City while on the Community Development Board. He thanked the City for using their monies appropriately for the Community Development organizations and that so many agencies and organizations give their heart and soul to make this a better City. He explained that many children and elderly would go to sleep hungry if it were not for these organizations. He thanked God for giving him the health and strength to do the things that he loves. He thanked the City for thinking of him and stated that this is a tremendous responsibility.

Motion made by Representative Ortega, seconded by Representative Hernandez and unanimously carried to approve the above Resolution.

Motion made by Representative Hernandez, seconded by Representative Sumrall and unanimously carried to authorize the Department of Planning, Research and Development to initiate the release of a zoning contract entered into on February 17, 1987 between the City of El Paso and Texas Commerce Bank - El Paso, NA, Independent Executor and Trustee under the will of Mary White Boykin, deceased, as it pertains to a portion of G.A. Wilson Survey No. 91 and S.A. Maverick Survey No. 174, containing 5.98 acres and currently owned by the City of El Paso.

Ms. Pat Adauto, Planning Director, explained that the City owns this property near the intersection of Atlantic and Doniphan and that a request by the Public Works Department was made to release the zoning conditions on the property so that the Northwest Corral might be expanded.

Representative Ortega was not present for the vote.

Motion made by Representative Sariñana, seconded by Representative Hernandez and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance permitting The Toro Company to use a portion of Nations Tobin Park from 10:00 AM until 6:00 PM on June 16, 2001 for a company picnic. Fee:\$90.00.
- B. An Ordinance vacating portions of American Drive and Northrop Road abutting Blocks 4-C and 4-A, El Paso International Airport Tracts Unit 5, and Unit 5 Replat Subdivision, City of El Paso, El Paso County, Texas.
- C. An Ordinance authorizing the Mayor to Sign a Contract of Sale and Warranty Deed Conveying to Action Real Properties Lot 3, Block 17, Colonia Del Valle, Section "D", an Addition to the City of El Paso, El Paso County, Texas (9189 Jalapa Drive).
- D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.040 (Schedule IV - Parking prohibited on certain hours on certain street) Paragraph 12.88.040 (J) (No Parking, 7:00 A.M. to 4:00 P.M.) to add a new location at Fairfax Street from Sanders Avenue to Downs Court, east side only. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- E. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking prohibited at all times on certain streets) to include River Avenue from Hawthorne Street to Lawton Drive, south side only. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- F. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.010 (Schedule I - One-way Streets) to include River Avenue, westbound from Hawthorne Street to Lawton Drive. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.

PUBLIC HEARING WILL BE HELD ON JUNE 5, 2001 FOR ITEMS A - F

- G. An Ordinance changing the zoning of Portions of Tracts 10-E and 11-D, Section 36, Block 80, TSP 2, TEXAS & PACIFIC RAILROAD CO. SURVEY, City of El Paso, El Paso County,

3. If a property has gone unsold at two public auction resales, The City's Delinquent Tax Attorneys and the Tax Assessor-Collector are directed to submit to the City Council for consideration any written offers received by them for the purchase of such property by private resale if the amount of the offer equals or exceeds the minimum opening bid, in which case the City Council may, after consultation with the Tax Assessor-Collector, approve the private sale.
4. If a property has gone unsold at two public auction resales, and has not been sold at private sale as provided in paragraph 3 above, the City's Delinquent Tax Attorneys and the Tax Assessor-Collector are directed to submit to the governing body of each taxing unit entitled to proceeds for consideration any written offers received by them for the purchase of such property by private resale if the amount of the offer equals or exceeds one-fourth of the minimum opening bid applicable at the original tax foreclosure sale, in which case the governing bodies of the taxing units entitled to proceeds, may approve the private sale. Neither the Delinquent Tax Attorneys nor the Tax Assessor-Collector has any duty under these guidelines to submit to the City Council for the other governing bodies of other taxing units entitled to proceeds any offers or lesser amounts.
5. At any time after a property has been struck off, the City's tax assessor-collector shall have the discretion to submit to the City Council for consideration any written offers for the purchase of property by private resale if the amount of the offer equals or exceeds the minimum opening bid and if the tax assessor-collector reasonably believes unusual circumstances exist to warrant the consideration of the written offer. The City Council may, after consultation with the tax assessor-collector, approve the private sale.
6. At any time after a property has been struck off, the City's tax assessor-collector shall have the discretion to submit to the governing bodies of each taxing unit entitled to proceeds for consideration any written offers received by him/her for the purchase of such property by private sale if the amount of the offer is less than the minimum opening bid applicable at the original tax foreclosure sale and the tax collector reasonably believes unusual circumstances exist to warrant the consideration of such written offer by each taxing entity, in which case the governing bodies of the taxing units entitled to proceeds may approve the private sale.
7. "Minimum opening bid", as used herein, means the aggregate amount of the judgments, plus costs of suit and sale, or the value of the property as set forth in the underlying tax foreclosure judgment, whichever is less.

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*Motion made, seconded and unanimously carried to approve the request of Christ Miracle Mission to hold a foot race/walk on May 26, 2001 from 7:00 a.m. to 12:00 p.m. Route: Start at 2130 E. Mills proceed to Walnut, turn right on Walnut proceed to Texas Street, turn right on Texas Street proceed to Mesa, turn left on Mesa proceed to Paisano, turn left on Paisano proceed to the Chamizal National Park. Approximately 100 persons will participate.
.....

Motion made by Representative Sariñana, seconded by Representative Hernandez and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Joseph Thomas, Jr., Our File No. 99-PD-6-1H (Section 551.071)
- B. Kinder Morgan, Inc. vs. City of El Paso, Cause No. EP00CA0144, Our File No. 00-S-21
- C. Liza Chaides and William Chaides, 01-A-003 (Section 551.071)
- D. Discussion and action on personnel item - Adeel Shaikh (551.074)
- E. Ordinance changing the zoning at the property located at 1015 North Zaragoza Road.

Motion made, seconded and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

.....
 *Motion made, seconded and unanimously carried to postpone one week Joseph Thomas, Jr., Our File No. 99-PD-6-1H

.....
 Motion made by Representative Medina, seconded by Representative Sumrall and carried that the City Attorney **REJECT SETTLEMENT AUTHORITY** in the lawsuit entitled **Kinder Morgan, Inc. vs. City of El Paso, Cause No. EP00CA0144, Our File No. 00-S-21** as recommended by the City Attorney.

Representative Ortega was not present for the vote.

.....
 Motion made by Representative Medina, seconded by Representative Sariñana and carried that the City settle its subrogation interest in the claim of **LIZA CHAIDES AND WILLIAM CHAIDES; Our File No. 01-A-003** as recommended by the City Attorney.

Representatives Rodriguez and Ortega were not present for the vote.

.....
 Motion made by Representative Medina, seconded by Representative Sumrall and carried that the employment contract with **ADEEL SHAIKH** be terminated for convenience.

Representatives Rodriguez and Ortega were not present for the vote.
 Representatives Cook and Sariñana voted Nay.

Motion passed.

.....
 Motion made by Representative Sariñana, seconded by Representative Medina, and unanimously carried to postpone fifteen (15) weeks (September 4, 2001) an Ordinance changing the zoning of a portion of Lot 3, Block 55, Rangers Rest Subdivision Unit One, City of El Paso, El Paso County, Texas (1015 North Zaragoza Road) from R-4 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Omar Gonzalez, M.D. / Representative: Jose M. Rubio, 651 Tepic, El Paso, TX 79912, ZC-00085.

.....
 Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to adjourn this meeting at 12:55 p.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

Carole Hunter

Carole Hunter, City Clerk



Charles McNabb, City Attorney